

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 29, 1999

DIVISION ONE

B125723 Voce et al. (Not for Publication)
v.
City of Palos Verdes Estates
Kivuls et al.

The judgment is affirmed. Kivuls and the City are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B132970 In re Antonio Arredondo
on Habeas Corpus (Not for Publication)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its judgment and sentence of June 5, 1998, to permit petitioner to withdraw his plea, and to conduct trial in Los Angeles Superior Court case No. LA029859, entitled The People v. Antonio Arredondo.

Spencer, P.J., Ortega, J., Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B130956 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Anna E. and Anthony B.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

B129189 First Broadcast Partners, L.P. (Not for Publication)
 v.
 Manley et al.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

B124402 People (Not for Publication)
 v.
 Robles

The judgment is modified to provide defendant with 170 days of
presentence conduct credits. As so modified, the judgment is affirmed.
The clerk of the superior court is directed to prepare a modified abstract of
judgment and provide a copy of the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

DIVISION ONE (Continued)

B128473 Los Angeles County, D.C.F.S. (Not for Publication)
B129555 v.
 Charles H.

The orders are affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B125597 People (Not for Publication)
 v.
 Beamon and Thomas

The judgments are affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B122587 Thomas (Not for Publication)
 v.
 Lane

The judgment is affirmed. Thomas is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

October 29, 1999-Continued

DIVISION ONE (Continued)

B129888 Goodman (Not for Publication)
v.
Farmers & Merchants Trust Co. of Long Beach et al.

The judgment in favor of Goodman is reversed and the cause is remanded to the trial court with directions to enter a new judgment in favor of the Bank. The order denying Goodman's motion for attorneys' fees is affirmed. The Bank is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B122538 Bundy Canyon Residents Assoc. (Not for Publication)
v.
City of Los Angeles
Brentwood School

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B124795 Barber (Not for Publication)
v.
COA, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

October 29, 1999-Continued

DIVISION ONE (Continued)

B127890 People (Not for Publication)
v.
Aguilar, Jr., et al.

The judgments are affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B130503 People (Not for Publication)
v.
Dean

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B130012 Crandell (Not for Publication)
v.
Superior Court
The People

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of January 20, 1999, denying petitioner's motion to bar the People from seeking the death penalty and to enter a new order granting said motion in Los Angeles Superior Court case no. A145556, entitled People v. Kenneth Crandell.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B127767 People (Not for Publication)
v.
Guerrero

The judgment is modified to stay sentence on count nine, dissuading a witness (Pen. Code, § 136.1, subd. (c)(1)). As so modified, the judgment is affirmed. The trial court is directed to prepare a modified abstract of judgment reflecting a stayed sentence on count nine and a \$200 restitution fine imposed pursuant to Penal Code section 1202.4 and to forward a copy of the modified abstract of judgment to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

Boren, P.J. announced the following.

As most of you are probably aware, this morning will be Justice John Zebrowski's final oral argument as a member of the Court of Appeal, Second Appellate District, Division Two. He has announced his retirement effective November 3, 1999. I wish to make some remarks to be included in the record of our proceedings.

Before Justice Zebrowski leaves us, we wish to laud his service on this court. He has been with us almost four years. I have greatly admired his sharp analytical mind, his keen writing skills and his vast knowledge of the law. This Court will miss his talents. But most of all I am sorry to lose a good colleague and friend.

Justice Zebrowski graduated from the University of Pennsylvania in 1970 and from Georgetown University Law Center in 1975.

He was admitted to the California Bar and practiced civil law from 1975 to 1982.

DIVISION TWO (Continued)

In 1982, the Superior Court elected and appointed Justice Zebrowski to serve as a Commissioner; he served in that capacity from 1982 to 1986 at which time Governor Deukmejian appointed him as a Superior Court Judge.

After achieving a sterling reputation of the Superior Court, Governor Wilson appointed Judge Zebrowski to this court in 1995.

While we will all miss Justice Zebrowski here at the court, we wish him much success and prosperity in the world of alternative dispute resolution. Most of all we wish him much happiness.

Nott, J. comments.

This is truly a bittersweet occasion. As happy as we are for Justice Zebrowski's decision to embark upon a new career, I am personally saddened by the loss of a great friend, whose judgment and sense of fairness has meant so much to all of us. I wish him godspeed.

The Clerk of the Court is directed to include these remarks in the minutes of this morning's proceedings.

Each of the following:

B124853 People v. Curtis
B124139 People v. Harvey
B125707 People v. Alvarado
B128328 People v. Ailep
B120053 Hsu v. EIC Group
B130949 Alfred v. Rosenberg
B110580 People v. Barajas
B123307 People v. Berrios
B124059 People v. Hearn & Gugliotta
B127650 People v. Michael S.
B130303 People v. Robinson
B128017 People v. Wade
B126983 People v. Stephens
B131654 People v. Jennifer H.
B126758 People v. Wiggins
B129875 Matter of Jessica F.
B130678 Matter of Yvette A.
B124017 People v. Rivas

DIVISION TWO (Continued)

Each of the following (cont.):

B120929 People v. Shaw
B133072 Milana R. v. S.C.L.A.
B134100 Dolores H. v. S.C.L.A.
B131630 People v. Fulker
B128765 People v. Torrez
B124254 People v. Lane
B127608 Hariri v. Petterson
B123970 People v. Larry Z.
B127025 People v. Pena
B130882 People v. Leroy W.

Argument waived, cause submitted.

B128673 People
 v.
 Gilbreath

Merits:

Argued by Robert Steinberg for appellant and by Stephanie Mitchell, deputy attorney general, for respondent. Matter not submitted pending filing of Motion re Jurisdiction.

B123048 People
 v.
 Renfroe
 (Norman, r.p.i.)

Merits:

Argued by Leslie Greenbaum for appellant Renfroe, by Marilyn White-Redmond for appellant Norman and by Roy Preminger, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B128086 Asiedu
 v.
 Dept. of Social Services

Merits:
Argued by Scott Schutzman for appellant and by Kurt Boyd for respondent.
Cause submitted.

B112981 Brown
 v.
 City of Los Angeles

Merits:
Argued by Patricia Kinaga for appellant and by David Cwiklo for
respondent. Cause submitted.

B117711 Wilshire Ins Co.
 v.
 Slack
 (Portigal, r.p.i.)

Merits:
Argued by Christine Baran for appellant Portigal and by Robert Pike, Jr. for
appellant and cross-respondent Slack and by John Weber for respondent
and cross-appellant Wilshire Ins Co. Cause submitted.

Court adjourned.

DIVISION THREE

B112781 Craig Allen Sheets (Not for Publication)
 v.
 Masterson Scaffold Company, et al.

The judgment is affirmed as to Kulchiin, Condon & Associates. As to Masterson Scaffold Company, the judgment as to damages is reversed in part and remanded for a new trial on that issue. In all other respects the judgment is affirmed. Parties to bear their own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B127729 People (Not for Publication)
 v.
 Sutton

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B130532 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Dale L.

The judgments are affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

B134042 Ignacio R. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition for writ of mandate is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B131681 Faigin et al. (Not for Publication)
v.
City of Los Angeles et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B126838 Liddell (Not for Publication)
v.
Jefferson Smurfit Corporation

The judgment is affirmed. Respondent to have its costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B130177 Monetti (Not for Publication)
v.
Monetti

The order setting child support arrears is affirmed. Costs on appeal are awarded to Wife.

Hastings, Acting P.J.

We concur: Epstein, J.
: Curry, J.

B131650 Farm (Not for Publication)
v.
Superior Court, Los Angeles County
(An-Bang Shann et al., r.p.i.)

The alternative writ is discharged. The petition for a peremptory writ is denied. Real parties shall recover their costs in this proceeding.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B125558 Eronini (Not for Publication)
v.
Jonas Enterprises, Inc., et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B126186 Yaskawa Electric America, Inc. (Not for Publication)
v.
Fritz Companies, Inc.

The judgment is affirmed. Yaskawa is to recover its costs on the appeal and the cross-appeal. The postjudgment order denying attorney fees to Yaskawa is reversed and the trial court is directed to determine the amount of costs, trial attorney fees, and appellate attorney fees to which Yaskawa is entitled. Yaskawa requested sanctions for frivolous appeal. (In re Marriage of Flaherty (1982) 31 Cal.3d 637.) The request was considered and is denied.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B121173 People (Not for Publication)
v.
Labriola

The judgment is modified to include a \$5,000 fine imposed pursuant to Penal Code section 1202.45. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare and send to the Department of Corrections a corrected abstract of judgment reflecting the \$5,000 Penal Code section 1202.45 fine imposed by this court and the \$5,000 Penal Code section 1202.4, subdivision (b) fine imposed by the trial court.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

October 29, 1999-Continued

DIVISION FOUR (Continued)

B127704 People (Not for Publication)
v.
Anchondo

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B128784 Los Angeles County D.C.F.S. (Not for Publication)
v.
Carolyn H.

The order terminating parental rights is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B129282 People (Not for Publication)
v.
Marcos Souza

The judgment is modified to reflect the imposition of a \$200 restitution fine pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B119287 Unitek Structural Services (Not for Publication)
 v.
 H. Robert Weiner
 Lance L. Robbins et al.

The judgment is affirmed. Weiner is to pay Robbins's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.